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Hyatt Regency Guam and Mihir Rout

FILED
DISTRICT COURT OF GUAM

SEP 09 2002 hba

MARY L. M. MORAN
CLERK OF COURT

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9 IN THE DISTRICT COURT OF GUAM

10 GOLAM R. SARKER,

11 Plaintiff,

12 vs.

13 HYATT REGENCY GUAM, MIHIR ROUT, and
14 DOE OFFICERS 1 through 10,

15 Defendants.

CIVIL CASE NO. 02-00023

ANSWER

16 COMES NOW, Defendant HYATT REGENCY GUAM ("Defendant"), by and through
17 its undersigned counsel, and answers the Complaint as follows:

18 1. Defendant admits that the Court has jurisdiction pursuant to 28 U.S.C. § 1331
19 and Title VII of the Civil Rights Act of 1964, as amended by 42 U.S.C. §§ 2000e et seq. Defendant
20 denies all other allegations contained in paragraph 1 of the Complaint.

21 2. As to paragraph 2 of the Complaint, Defendant admits the first sentence of
22 paragraph 2 and denies all remaining allegations.

23 3. Defendant denies the allegations contained in paragraphs 4, 7, 19, 20 and 22
24 though 28 of the Complaint.

25 4. Defendant admits the allegations contained in paragraph 8, 10, 12, 14, 15, 16,
26 17, 21 of the Complaint

27 5. As to paragraph 6 of the Complaint, Defendant admits that Mihir Rout was, at
28 the time of the acts complained of by Plaintiff, the Assistant Director of Engineering for Defendant.

Defendant denies all remaining allegations contained in paragraph 6.

6. Defendant having insufficient information or belief regarding the allegations contained in paragraphs 3, 5, 9, 11 of the Complaint denies said allegations.

7. As to paragraph 13 of the Complaint, Defendant realleges and incorporates by this reference its responses to paragraphs 1 through 12.

8. As to paragraph 18 of the Complaint, Defendant admits that on or about early December 2001 Plaintiff was given a new work schedule that required Plaintiff to work on Friday. Defendant denies all other allegations contained in paragraph 18.

9. As to all other paragraphs and allegations not herein specifically admitted, Defendant herein generally and specifically denies said allegations.

AFFIRMATIVE DEFENSES

Plaintiff's claim against Defendants is barred by the following affirmative defenses: statute of limitations, failure to exhaust administrative remedies, failure to mitigate, good faith, estoppel, fraud, laches, res judicata, waiver, bona fide seniority or merit system, failure to satisfy conditions precedent/subsequent, insufficiency of process, insufficiency of service of process, bad faith, collateral estoppel, good cause for termination, not real party in interest, and unclean hands.

WHEREFORE, Defendant Hyatt Regency Guam prays that:

1. Plaintiff take nothing by its Complaint;
2. Defendant Hyatt Regency Guam recover its costs of suit and reasonable expenses incurred herein, including without limitation attorneys' fees; and
3. Defendant Hyatt Regency Guam recover such other and further relief as this Court deems just and proper.

Dated this 9th day of September 2002.

CALVO AND CLARK, LLP
Attorneys At Law
Attorneys for Defendant Hyatt Regency Guam and
Mihir Rout

By: *Janalyn M. Cruz*
JANALYN M. CRUZ